

1 WATSON ROUNDS  
2 MICHAEL D. ROUNDS  
3 Nevada Bar No. 4734  
4 MATTHEW D. FRANCIS  
5 Nevada Bar No. 6978  
6 5371 Kietzke Lane  
7 Reno, NV 89511  
8 Telephone: (775) 324-4100  
9 Email: mrounds@watsonrounds.com  
10 Email: mfrancis@watsonrounds.com

11 Attorneys for Plaintiff SKY ZONE, LLC

12 **UNITED STATES DISTRICT COURT**  
13 **DISTRICT OF NEVADA**

14 SKY ZONE, LLC, a Nevada limited liability  
15 company,

16 Plaintiff,

17 vs.

18 JERRY RAYMOND, an individual; ROBERT  
19 RAYMOND, an individual; RONALD  
20 RAYMOND, an individual; ROLLAND P.  
21 WEDDELL, an individual; CHRISTOPHER  
22 WEDDELL, an individual; SKY HIGH SPORTS,  
23 LLC, a Nevada limited liability company; SKY  
24 HIGH SPORTS CALIFORNIA, LLC, a Nevada  
25 limited liability company; SKY HIGH SPORTS  
26 CONCORD CALIFORNIA, LLC, a Nevada  
27 limited liability company; SKY HIGH SPORTS  
28 CONCORD OPERATIONS, LLC, a Nevada  
limited liability company; SKY HIGH SPORTS  
FRANCHISE,  
LLC, a Nevada limited liability company; SKY  
HIGH SPORTS OPPORTUNITIES, LLC, a  
Nevada limited liability company; SKY HIGH  
SPORTS ORANGE COUNTY OPERATIONS,  
LLC, a Nevada limited liability company; SKY  
HIGH SPORTS ORANGE COUNTY, LLC, a  
Nevada limited liability company; SKY HIGH  
SPORTS SACRAMENTO OPERATIONS, LLC,  
a Nevada limited liability company; SKY HIGH  
SPORTS SACRAMENTO, LLC, a Nevada limited  
liability company; SKY HIGH SPORTS SANTA

Case No.:

**COMPLAINT**

**JURY DEMAND**

CLARA OPERATIONS, LLC, a Nevada limited liability company; SKY HIGH SPORTS SANTA CLARA, LLC, a Nevada limited liability company; SKY HIGH SPORTS SEATTLE OPERATIONS, LLC, a Nevada limited liability company; SKY HIGH SPORTS SEATTLE, LLC, a Nevada limited liability company; SKY HIGH SPORTS WASHINGTON, LLC, a Nevada limited liability company; TRIBROS, LLC, a Nevada limited company,

Defendants.

Plaintiff Sky Zone, LLC (“Sky Zone”) hereby alleges and complains against Defendants Jerry Raymond, Robert Raymond, Ronald Raymond, Rolland P Weddell, and Christopher Weddell (collectively “Defendant Officers”), Sky High Sports California, LLC, Sky High Sports Concord California, LLC, Sky High Sports Concord Operations, LLC Sky High Sports Concord, LLC, Sky High Sports Franchise, LLC, Sky High Sports Opportunities, LLC, Sky High Sports Orange County Operations, LLC, Sky High Sports Orange County, LLC, Sky High Sports Sacramento Operations, LLC, Sky High Sports Sacramento, LLC, Sky High Sports Santa Clara Operations, LLC, Sky High Sports Santa Clara, LLC, Sky High Sports Seattle Operations, LLC, Sky High Sports Seattle, LLC, Sky High Sports Washington, LLC, and Tribros, LLC (collectively “Defendant LLCs”) (Defendant Officers and Defendant LLCs are sometimes collectively referred to herein as “Defendants”) as follows:

### **JURISDICTION AND VENUE**

1. This action arises under the Patent Laws of the United States, 35 U.S.C. §§ 271 *et seq.* This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a) and (b).

2. This Court has personal jurisdiction over Defendants because Defendant Officers either reside in this District and/or regularly and continuously transact business within this District, and Defendant LLCs are incorporated in the State of Nevada.

3. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391 and 1400(b) and in the Reno Division of the District of Nevada.

///

**THE PARTIES**

4. Plaintiff Sky Zone is a Nevada limited liability company with its principal place of business at 4915 Steptoe St. Suite 400, Las Vegas, NV 89122.

5. Upon information and belief, Defendant Jerry Raymond is an individual who resides at 43 Deerfield Drive, Scotts Valley, CA 95066, and who is also a Managing Member of Sky High Sports, LLC and Sky High Sports Santa Clara, LLC. Mr. Raymond is also a Manager of the remaining Defendant LLCs, with the exception of Sky High Sports Washington, LLC. Upon information and belief, Defendant Jerry Raymond conducts business in this District, and has sufficient contacts with this District to warrant personal jurisdiction.

6. Upon information and belief, Defendant Robert Raymond is an individual who resides at 10513 Sunblower Avenue, Las Vegas, NV 89135, and who is also Managing Member of Sky High Sports, LLC and Sky High Sports Santa Clara, LLC. Mr. Raymond is also a Manager of the remaining Defendant LLCs, with the exception of Sky High Sports Concord California, LLC, and Sky High Sports Washington, LLC. Upon information and belief, Defendant Robert Raymond resides and conducts business in this District, and has sufficient contacts with this District to warrant personal jurisdiction.

7. Upon information and belief, Defendant Ronald Raymond is an individual who resides at 211 Side Saddle Circle, Scotts Valley, CA 95066, and who is also a Managing Member of Sky High Sports, LLC and Sky High Sports Santa Clara, LLC. Mr. Raymond is also a Manager of the remaining Defendant LLCs, with the exception of Sky High Sports California, LLC, and Sky High Sports Washington, LLC. Upon information and belief, Defendant Ronald Raymond conducts business in this District, and has sufficient contacts with this District to warrant personal jurisdiction.

8. Upon information and belief, Defendant Rolland P Weddell is an individual who resides at 2205 Arrowhead Drive, Carson City, NV 89706, and who is also a Managing Member of Sky High Sports, LLC and Sky High Sports Santa Clara, LLC. Mr. Weddell is also a Manager of Sky High Sports Concord, LLC, Sky High Sports Franchise, LLC, Sky High Sports Sacramento, LLC, Sky High Sports Santa Clara, LLC, and Sky High Sports Seattle,

1 LLC. Upon information and belief, Defendant Rolland P Weddell resides and conducts  
2 business in this District, and has sufficient contacts with this District to warrant personal  
3 jurisdiction.

4 9. Upon information and belief, Defendant Christopher Weddell is an individual  
5 who resides at 2205 Arrowhead Drive, Carson City, NV 89706, and who is also a Manager of  
6 Sky High Sports Orange County, LLC. Upon information and belief, Defendant Christopher  
7 Weddell resides and conducts business in this District, and has sufficient contacts with this  
8 District to warrant personal jurisdiction.

9 10. Upon information and belief, Sky High Sports, LLC is a Nevada limited liability  
10 company, the registered agent of which is Allison, Mackenzie, Pavlakis, Wright & Fagan, Ltd.,  
11 P.O. Box 646, Carson City, NV 89702.

12 11. Upon information and belief, Sky High Sports California, LLC is a Nevada  
13 limited liability company, the registered agent of which is W.D. Gieseke, 2205 Arrowhead  
14 Drive, Carson City, NV 89706.

15 12. Upon information and belief, Sky High Sports Concord California, LLC is a  
16 Nevada limited liability company, the registered agent of which is W.D. Gieseke, 2205  
17 Arrowhead Drive, Carson City, NV 89706.

18 13. Upon information and belief, Sky High Sports Concord Operations, LLC is a  
19 Nevada limited liability company, the registered agent of which is W.D. Gieseke, 2205  
20 Arrowhead Drive, Carson City, NV 89706.

21 14. Upon information and belief, Sky High Sports Concord, LLC is a Nevada  
22 limited liability company, the registered agent of which is W.D. Gieseke, 2205 Arrowhead  
23 Drive, Carson City, NV 89706.

24 15. Upon information and belief, Sky High Sports Franchise, LLC is a Nevada  
25 limited liability company, the registered agent of which is W.D. Gieseke, 2205 Arrowhead  
26 Drive, Carson City, NV 89706.

1           16.     Upon information and belief, Sky High Sports Opportunities, LLC is a Nevada  
2     limited liability company, the registered agent of which is W.D. Gieseke, 490 Hot Springs  
3     Road, Carson City, NV 89706.

4           17.     Upon information and belief, Sky High Sports Orange County Operations, LLC  
5     is a Nevada limited liability company, the registered agent of which is W.D. Gieseke, 2205  
6     Arrowhead Drive, Carson City, NV 89706.

7           18.     Upon information and belief, Sky High Sports Orange County, LLC is a Nevada  
8     limited liability company, the registered agent of which is W.D. Gieseke, 2205 Arrowhead  
9     Drive, Carson City, NV 89706.

10          19.     Upon information and belief, Sky High Sports Sacramento Operations, LLC is a  
11     Nevada limited liability company, the registered agent of which is W.D. Gieseke, 2205  
12     Arrowhead Drive, Carson City, NV 89706.

13          20.     Upon information and belief, Sky High Sports Sacramento, LLC is a Nevada  
14     limited liability company, the registered agent of which is Allison, Mackenzie, Pavlakis,  
15     Wright & Fagan, Ltd., P.O. Box 646, Carson City, NV 89702.

16          21.     Upon information and belief, Sky High Sports Santa Clara Operations, LLC is a  
17     Nevada limited liability company, the registered agent of which is W.D. Gieseke, 2205  
18     Arrowhead Drive, Carson City, NV 89706.

19          22.     Upon information and belief, Sky High Santa Clara, LLC is a Nevada limited  
20     liability company, the registered agent of which is Allison, Mackenzie, Pavlakis, Wright &  
21     Fagan, Ltd., P.O. Box 646, Carson City, NV 89702.

22          23.     Upon information and belief, Sky High Sports Seattle Operations, LLC is a  
23     Nevada limited liability company, the registered agent of which is W.D. Gieseke, 2205  
24     Arrowhead Drive, Carson City, NV 89706.

25          24.     Upon information and belief, Sky High Sports Seattle, LLC is a Nevada limited  
26     liability company, the registered agent of which is W.D. Gieseke, 2205 Arrowhead Drive,  
27     Carson City, NV 89706.

25. Upon information and belief, Sky High Sports Washington, LLC is a Nevada limited liability company, the registered agent of which is W.D. Gieseke, 2205 Arrowhead Drive, Carson City, NV 89706.

26. Upon information and belief, Tribros, LLC is a Nevada limited liability company, the registered agent of which is Allison, Mackenzie, Pavlakis, Wright & Fagan, Ltd., P.O. Box 646, Carson City, NV 89702. Upon information and belief, Tribros is a Manager of Sky High Sports California, LLC, Sky High Sports Concord Operations, LLC, Sky High Sports Opportunities, LLC, Sky High Sports Orange County Operations, LLC, Sky High Sports Sacramento Operations, LLC, Sky High Sports Santa Clara Operations, LLC, and Sky High Sports Seattle Operations, LLC.

27. Sky Zone believes, and therefore alleges, that at all times herein mentioned, each of the Defendants was the agent, servant or employee of each of the other and at all times was acting within the course and scope of said agency and/or employment, and that each Defendant is jointly and severally liable to Sky Zone for the reasons and the facts herein alleged. Relief is sought herein against each and all of the Defendants, as well as their agents, assistants, successors, employees and all persons acting in concert or cooperation with them or at their direction.

### **FACTUAL ALLEGATIONS**

28. Sky Zone provides sports, fitness, and entertainment centers that utilize a raised resilient playing field, allowing sports games and aerobics. The playing fields may be formed by a plurality of linked trampoline-like surfaces. Players and participants can jump and run on this playing field for participation in healthy and dynamic activities in a safe environment. These activities may include open-court jumping, low-impact, high cardiovascular, stress-reducing aerobics, sport games, athlete cross-training, and corporate team building. Sky Zone's sports, fitness, and entertainment centers are original and unique, including its resilient playing fields and sport games. Sky Zone has expended considerable resources in developing and marketing its original and unique sports, fitness and entertainment centers. Sky Zone owns and

1 operates three such centers, and has a franchise network of three such centers, throughout the  
2 United States. More Sky Zone centers will be opened in the future.

3 29. Sky Zone is the owner of U.S. Patent No. 5,624,122 titled "Sport Game and  
4 Field" (the "'122 Patent"). A copy of the '122 Patent is attached hereto as Exhibit A. The '122  
5 Patent was duly and legally issued by the United States Patent and Trademark Office on April  
6 29, 1997, after full and fair examination. Sky Zone is the assignee of all rights, title and  
7 interest in and to the '122 Patent, and possesses all rights of recovery under the '122 Patent,  
8 including the right to sue for infringement and recover past damages.

9 30. Upon information and belief, Defendants provide sports, fitness and  
10 entertainment centers using raised resilient playing fields consisting of a plurality of linked  
11 trampoline-like surfaces, wherein players and participants can jump and run on these fields, for  
12 participation in activities such as aerobics, sport games, athlete cross-training, and corporate  
13 team building. Defendants' raised resilient playing fields are being used at 166 Aviator Street,  
14 Camarillo, California 93010; 1631 Challenge Dr., Concord, California 94520; 2970 Airway  
15 Avenue, Costa Mesa, California 92626; 11327 Folsom Blvd. #160, Rancho Cordova, California  
16 95742; 2880 Mead Avenue, Santa Clara, California 95051; 1445 120th Avenue NE, Bellevue,  
17 Washington 98005; 1322 E Front Avenue, Spokane, Washington 99202; and 11131 SW  
18 Greenburg Road, Tigard, Oregon 97223. Defendants' raised resilient playing fields are defined  
19 herein as the "Accused Products."

20 31. Upon information and belief, before the first Sky High trampoline park was  
21 opened, Defendant Officers Jerry Raymond and Ronald Raymond visited Sky Zone's Indoor  
22 Trampoline Park in Las Vegas many times, and observed its operation. These Defendant  
23 Officers also asked Sky Zone about setting up a Sky Zone franchise and were informed that the  
24 Sky Zone trampoline park was protected by the '122 Patent.

25 32. Notwithstanding their knowledge of Sky Zone's rights in the '122 Patent and  
26 related properties, Defendants have opened and operated numerous facilities using the Accused  
27 Products.  
28





1           1.       An adjudication that Defendants have infringed, contributed to the infringement  
2 of, and/or induced infringement of the '122 Patent;

3           2.       An accounting of all damages sustained by Sky Zone as a result of Defendants'  
4 acts of infringement;

5           3.       An award to Sky Zone of actual damages adequate to compensate Sky Zone for  
6 Defendants' acts of direct, contributory, and/or inducement of infringement, together with  
7 prejudgment and post-judgment interest;

8           4.       An award to Sky Zone of enhanced damages, up to and including trebling of  
9 Sky Zone's damages pursuant to 35 U.S.C. § 284 for Defendants' willful infringement;

10          5.       An award of Sky Zone's costs of suit and reasonable attorneys' fees pursuant to  
11 35 U.S.C. § 285 due to the exceptional nature of this case, or as otherwise permitted by law;

12          6.       A grant of permanent injunction pursuant to 35 U.S.C. § 283, enjoining  
13 Defendants, and their agents, servants, employees, principals, officers, attorneys, successors,  
14 assignees, and all those in active concert or participation with them, including related  
15 individuals and entities, customers, representatives, OEMs, dealers, and distributors from  
16 further acts of (1) infringement, (2) contributory infringement, and (3) active inducement to  
17 infringe with respect to the claims of the '122 Patent; and

18          7.       Any further relief that this Court deems just and proper.

19 DATED this 25<sup>th</sup> day of February, 2011.

WATSON ROUNDS

20  
21 By: /s/ Matthew D. Rounds  
22 MICHAEL D. ROUNDS  
23 MATTHEW D. FRANCIS  
5371 Kietzke Lane  
Reno, NV 89511

24 Attorneys for Plaintiff SKY ZONE, LLC.  
25  
26  
27  
28

**JURY DEMAND**

Pursuant to Fed. R. Civ. P. 38(b), Plaintiff Sky Zone, LLC hereby demands a jury trial on all issues triable by jury.

DATED this 25<sup>th</sup> day of February, 2011.

WATSON ROUNDS

By: /s/ Matthew D. Francis

MICHAEL D. ROUNDS

MATTHEW D. FRANCIS

5371 Kietzke Lane

Reno, NV 89511

(775) 324-4100

Attorneys for Plaintiff SKY ZONE, LLC.